


County of Loudoun
Department of Planning
MEMORANDUM

DATE: November 7, 2008

TO: Loudoun County Planning Commission

FROM: Sophia S. Fisher, Planner 

SUBJECT: November 13, 2008 PC Worksession—ZMAP 2007-0011 & SPEX 2007-0057, Cameron Chase Village Center

Background

On October 16, 2008, the Planning Commission held a public hearing on this application; two members of the public spoke in opposition. In general, members of the public expressed concerns about the following subjects: traffic, including the intersections of Estate Place and Smith Switch Road with Farmwell Road; the lack of a pedestrian connection along Smith Switch Road from the site to the nearby residences; issues with a Memorandum of Understanding between the Homeowners Association and the property manager; landscaping along the property's northern boundary, and problems with drainage.

The Planning Commission raised questions on the following subjects: the history of Cameron Chase Village Center; history of the transportation congestion problem; more information on the third westbound lane that OTS is requesting; the definition and function of a PD-CC(CC) district; and a list of uses at the site. In addition, the Planning Commission requested clarification on whether the County has any standing in enforcing the Memorandum of Understanding, and more information about the Conditions of Approval that apply to the Ashburn Ice House (SPEX 1997-0005).

The Planning Commission voted 6-0-3 (Brodrick, Chaloux, Keeney absent) to send the application to the Committee of the Whole for further discussion.

Discussion

History of Cameron Chase Village Center

The area now known as Cameron Chase Village Center was first mapped Industrial-Restricted in 1967. In 1972, with the adoption of the 1972 Zoning Ordinance, the area was remapped to PD-IP (Planned Development-Industrial Park). The property was included in ZMAP 1988-0027, Ashburn Center, in which

approximately 234 acres was rezoned from R-1 and PD-IP to PD-H24 (Planned-Development-Housing). ZMAP 1988-0027 was processed with SPEX 1988-0048, which requested approval for flex-industrial office uses, warehouses, a bank, and a service station on approximately 301 acres that were zoned PD-IP in the 1970s. Cameron Chase Village Center was part of the 301 acres that were subject to the Special Exception but were not rezoned. The PD-IP designation was kept when the 1993 Zoning Ordinance was adopted. In 1997, SPEX 1997-0005 was approved for the Ashburn Ice House. Cameron Chase Village Center subsequently developed as an area supportive to an industrial park that never developed. The first site plan for the by-right uses was filed in 2002 and approved in 2003. The by-right uses on the site are generally considered to be personal service establishments, and are permitted under Section 4-503(N) which permits:

Uses which are supportive and complementary to (which serve the users of) existing permitted and principal uses within a specific industrial park, such as, but not limited to restaurants excluding drive-throughs, business service establishments, personal service establishments, health and fitness centers, and automobile service stations, not to exceed a total of five percent (5%) of the total allowable floor area of the industrial park shown on a concept development plan.

The Zoning Ordinance further defines personal service establishments as:

Establishments primarily engaged in providing services, including the care of a person or his or her apparel, such as, but not limited to, cleaning and garment services, which are deemed to be establishments for the mechanical cleaning of garments, articles or goods of fabric for retail customers, containing no more than 3,000 square feet of gross floor area, linen supply, diaper service, coin-operated laundries, carpet and upholstery cleaning, photographic studios, beauty shops, barber shops, shoe repair, steam baths, reducing salons and health clubs, travel agent, clothing rental, locker rental, porter service, optician, and tailor.

Because the site was considered to be part of the larger 301-acre area zoned PD-IP, the 5% restriction for supportive and complementary uses based on allowable floor area of the industrial park is not exceeded in the PD-IP zoning district.

In 2004, a Comprehensive Plan Amendment (CPAM 2004-0025, Stonegate), was filed to change the land use designation of the Stonegate property, the Cameron Chase subdivision, the Cameron Chase Village Center, the Ashburn Ice House, and the Northern Virginia Regional Park Authority maintenance shed parcel for Residential land uses on the Revised General Plan's Planned Land Use Map from Business and Keynote Employment to Residential. The CPAM was approved in 2006, and brought the area's land use designation in line with the development that had been occurring.

The current application, to rezone the Cameron Chase Village Center from PD-IP to PD-CC(CC) is the latest step in the process of bringing the land use designation and zoning in line with how the area had developed, with significant residential areas to the north and west of Cameron Chase Village Center.

Today, Cameron Chase Village Center is comprised of several restaurants, a bank, an auction house, and other businesses. Three of the restaurants offer delivery service.

Transportation

In order to mitigate the impacts of the projected increase in traffic caused by the rezoning of Cameron Chase Village Center, the Office of Transportation Services requested that the applicant construct the third westbound lane of Farmwell Road from its intersection with Smith Switch Road to the western end of the property's frontage. The estimated cost of the entire length is \$500,000. At public hearing, the Planning Commission raised the possibility of constructing the third westbound lane to the traffic signal at Ice Rink Plaza as a potential compromise, and requested the estimated cost of that construction. The applicant later provided the estimated cost of constructing the third westbound lane to the signal at Ice Rink Plaza, which is \$250,000. The applicant has proffered \$15,000, or 3% of the \$500,000 it would cost to construct the entire lane.

As part of the Route 28/Route 625 interchange project, a third westbound lane was constructed for Waxpool Road (which becomes Farmwell Road just west of the intersection with Smith Switch Road). The intersection where Waxpool Road becomes Farmwell Road currently operates at a Level of Service D. however, by 2012 the intersection will operate at LOS F, with delays approaching 4 minutes for cars moving through the intersection in both directions. The requested transportation improvement would not help the eastbound traffic, but the addition of the third westbound lane would alleviate the congestion for traffic heading west.

During the hearing, the traffic issue at the intersection of Estate Place, which serves the residents of Cameron Chase Village Center, and Farmwell Road was discussed. There is a significant problem with stacking and accidents at that intersection. OTS has looked at numerous solutions to the problem over the past few years, but has not been able to find a solution that would work. The traffic at

the intersection does not warrant a traffic signal. If the property to the south develops, they would construct the fourth leg of that intersection and a signal would be warranted. OTS also looked into the possibility of extending one of the cul-de-sacs through to Smith Switch Road, which would allow residents to use the signalized intersection of Smith Switch and Farmwell/Waxpool Roads, but could not reach agreement with residents on the best course of action.

The right-of-way for the ultimate three-lane section of Farmwell Road has been dedicated. The stormwater management drainage ditch and other structures that are located to the north of the road frontage actually appear to be outside of the right-of-way, but the applicant has not surveyed the area. The title survey shows the existing edge of pavement to be 20 feet inside the right-of-way, and the drainage ditch, etc appear on informal visual inspection to be at least that far away. In other words, the dedicated right-of-way extends 20 feet beyond the existing edge of pavement. Anything beyond 20 feet is not in the right-of-way. The construction cost estimates that the Applicant had done in order to determine their proportionate share of the cost of a new lane did include the cost of relocating the stormwater features as part of what would be necessary.

- Staff continues to recommend that the applicant construct the third westbound lane of Farmwell Road to mitigate the impacts of the increased traffic to the site due to the proposed rezoning.

Function of a PD-CC(CC) district

According to the Revised 1993 Zoning Ordinance, the PD-CC(CC) district is intended to

...serve the retail shopping needs of the surrounding community. ... Such centers shall be sited so as to complement the character of the surrounding community, to include appropriate pedestrian linkages with adjacent land uses, and shall be designed, landscaped and buffered so as to be compatible with neighboring development.

PD-CC(CC) districts are envisioned to be between 10 and 20 acres in size, and be located on collector roads within a 10 minute drive to the community it is intended to serve. Given the way that the surrounding area has been developed, and the size of Cameron Chase Village Center, PD-CC(CC) is an appropriate zoning designation.

Conditions of Approval for SPEX 1997-0005

When the Ashburn Ice House was approved by special exception in 1997, there were six conditions of approval. The conditions included (1) constructing a pedestrian trail connecting the Ice House with the Cameron Chase residential property, (2) installing a Type II buffer and a berm, (3) shielding lighting; (4) providing a left turn lane into the site entrance; (5) request that VDOT conduct a

traffic warrant study; and (6) contribute \$18,000 toward the construction of a traffic signal should it be warranted.

In 2002, Zoning Administration conducted an audit of the Conditions of Approval for the Ashburn Ice House special exception and three other applications. For the Ashburn Ice House application, it was determined that Conditions 3, 4, and 5 had been met. Condition 1 had not been triggered because the Cameron Chase Residential property had not built a pedestrian trail for this project to connect. Condition 2 had been met because the buffer and berm had been installed as required, but a portion of the buffer yard adjacent to the houses had not been well maintained. Finally, the County had no record of receiving the \$18,000 toward construction of the traffic signal, which was installed prior to the condition audit. The applicant's records showed that the check had been issued but never redeemed by the County.

The pedestrian connection, landscaping, and lighting conditions have all been incorporated into the Conditions of Approval for the current application. As the traffic conditions have been satisfied, and the issue with the missing \$18,000 is in the process of being resolved, those conditions are no longer necessary.

Memorandum of Understanding

The existing MOU between the Cameron Chase Village HOA and the applicant is a private matter between the two entities, and the County has no standing to enforce any aspect of the MOU.

Outstanding Issues

- The applicant's transportation proffer does not meet CTP Standards Policies that state that new development shall not occur unless the roads impacted operate at LOS D or better after the traffic from the proposed new development is absorbed.
- The applicant should provide landscaping along the frontage of Smith Switch Road and Farmwell Road in order to mitigate the impacts of reducing the setbacks and buffer yards. In addition, staff has requested a landscaping plan for the northern boundary of the property showing the existing landscaping, which has not been provided.

Recommendation

Staff can recommend approval of the application if the outstanding issues are resolved.

Motions

1. I move that the Planning Commission continue discussion of ZMAP 2007-0011 and SPEX 2007-0057, Cameron Chase Village Center in Committee of the Whole.

Or,

2. I move an alternate motion.

Attachments

1. SPEX 1997-0005, Ashburn Skating Center Conditions of Approval
2. SPEX 2007-0057 Findings and Conditions of Approval
3. ZMAP 2007-0011 Conclusions
4. List of Tenants in Cameron Chase Village Center
5. Zoning Chronology of Cameron Chase Center
6. Comparison of PD-IP and PD-CC(CC) permitted uses
7. Applicant Response to Proffer Review Comments
8. Draft Proffer Statement dated November 6, 2008



Loudoun County, Virginia

Office of the County Administrator

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

703/777-0200 • Metro: 703/478-8439 • Fax: 703/777-0320

At a public hearing of the Board of Supervisors of Loudoun County, Virginia, held in the County Office Building, Board of Supervisors' Meeting Room, 1 Harrison Street, SE, Leesburg, Virginia, on Wednesday, July 2, 1997 at 7:00 p.m.

PRESENT: Dale Polen Myers, Chairman
Joan G. Rokus, Vice Chairman
Lawrence S. Beerman II
James G. Burton
Helen A. Marcum (Absent for the Vote)
David G. McWatters
Eleanore C. Towe
Steven D. Whitener
Scott K. York

IN RE: SPEX 1997-0005/ASHBURN SKATING CENTER (BROAD RUN DISTRICT)

Mr. McWatters moved to suspend the rules. Seconded by Mr. York.

Voting on the Motion: Supervisors Myers, Beerman, Burton, McWatters, Rokus, Towe, Whitener and York – Yes; None – No; Marcum - Absent for the vote.

Mr. McWatters moved that the Board of Supervisors approve Special Exception 1997-0005, Ashburn Skating Center, subject to the conditions of approval found in the July 2, 1997 staff report (attached), amended as follows:

5. The County Shall request the Virginia Department of Transportation (VDOT) to conduct a traffic signal warrant study, for the intersection of Rt. 640 and Rt. 607, one year following the opening of the facility.
6. Should a traffic signal be deemed warranted by the County or VDOT, the applicant shall contribute \$18,000 towards the signalization of the intersection of Rt. 607 and Rt. 640.

July 2, 1997

Page 2 of 2

ATTACHMENT 1

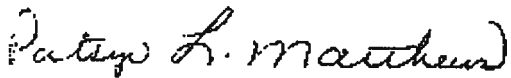
SPEX 1997-0005/Ashburn Skating Center

and the special exception plat prepared by Bowers and Associates, revised through June 25, 1997.

Seconded by Mr. Beerman.

Voting on the Motion: Supervisors Myers, Beerman, Burton, McWatters, Rokus, Towe, Whitener and York - Yes; None - No; Marcum - Absent for the Vote.

A COPY TESTE:

A handwritten signature in cursive script, reading "Patricia L. Matthews".

DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS

PLM:REPHJUL2.97A

CONDITIONS OF APPROVAL

1. The applicant shall establish a pedestrian trail ~~along Rt. 607,~~ connecting the skating center with the pedestrian trail on the Cameron Chase property ~~when and if the trail is constructed by Cameron Chase.~~
2. In addition to the required Type II buffer, ~~the applicant shall provide a six foot fence or~~ there shall be landscaping and/or berming to accomplish an equivalent opacity of a six foot fence ~~on the boundary of the property that is adjacent to~~ ~~between this use and the houses in Cameron Chase.~~
3. The applicant shall direct all lighting away from residentially zoned property and install low-intensity lighting and/or baffles to provide a ~~less intense~~ lighting scheme that is appropriate for residential settings.
4. Utilizing the existing concrete median, ~~±~~ the applicant shall provide a left turn lane into the site entrance ~~in the existing median of Rt. 607~~ that is acceptable to VDOT.
5. The applicant shall fund, ~~on behalf of the County or VDOT,~~ ~~conduct~~ a traffic signal warrant study, for the intersection of Rt. 640 and Rt. 607, that is acceptable to VDOT, one year following the opening of the facility.
6. Should a traffic signal be deemed warranted by the County or VDOT, the applicant shall contribute ~~\$50,000~~ ~~\$15,000~~ towards the signalization of the intersection of Rt. 607 and Rt. 640.
7. ~~The applicant shall dedicate all land necessary for the for the construction of a right turn lane at the intersection of Rt. 607 and Rt. 640.~~

**SPEX 2007-0057, Ashburn Ice House
Findings and Conditions of Approval
November 7, 2008**

FINDINGS

Special Exception (SPEX 2007-0057)

1. The request to remove the nonconforming use is in line with County policy to promote economic development through reinvestment in existing businesses, as outlined in the Revised General Plan.
2. The proposed Special Exception request to allow the continued operation of the Ashburn Ice House is consistent with the policies of the Revised General Plan.

SPECIAL EXCEPTION CONDITIONS OF APPROVAL

1. This Special Exception is to remove the nonconforming status from the Ashburn Ice House. The property shall be developed in substantial conformance to the "Ashburn Ice House" Special Exception Plat, prepared by Bohler Engineering, dated December 7, 2007 and revised through June 2, 2008. Approval of this application does not relieve the Applicant of any Zoning Ordinance, Codified Ordinance, or any other requirement.
2. The applicant shall establish a pedestrian trail connecting the skating center with the pedestrian trail on the Cameron Chase property when the trail is constructed by Cameron Chase.
3. In addition to the required Type II buffer, there shall be landscaping and/or berming to accomplish an equivalent opacity of a six foot fence between this use and the houses in Cameron Chase.
4. The applicant shall direct all lighting away from residentially zoned property and install low-intensity lighting and/or baffles to provide a lighting scheme that is appropriate for residential settings.

**ZMAP 2007-0011, Cameron Chase Village Center
November 7, 2008**

CONCLUSIONS

1. The conversion of this property to the PD-CC(CC) zoning district would be more consistent with the land use policies contained in the Revised General Plan, which designates the area as Residential.
2. The requested district provides a set of uses that are more consistent within an area planned for a residential community
3. The application does not conform to the policies contained in the Revised General Plan.
4. The application does not meet the policies of the Countywide Transportation Plan.
5. The proposed rezoning does not meet requirements of Revised 1993 Zoning Ordinance; there is no additional landscaping proffered to mitigate the impacts of reducing the buffer yards and setbacks.

**Cameron Chase Village Center
List of Tenants**

Space #	Square Footage	Tenant Name
44260 Ice Rink Plaza		
1	3,830	Village Grill (delivery service)
2	1,400	Available
3	1,400	Medicap Pharmacy
4	1,400	Asia Palace (delivery service)
5	1,400	Cameron Chase Village Cleaners
6	1,050	Smoothie King
7	1,750	Quiznos Subs
8	2,100	Available
9	2,800	MBH Settlement Group
10	1,400	Dejure Salon
11	1,400	Tiffany's Nail Spa
12	1,400	C2 Education
13	1,400	Sweetest Chef Café (delivery Service)
14	2,100	Pho Bistro
15	2,100	Mirchi Indian Cuisine
16	2,450	Let's Dish
44305 Ice Rink Plaza		
01	4,000	Anita's New Mexico Style Food
02	3,088	Available
03		NavyFederal Credit Union
Pad 4	3,400	Available

ZONING CHRONOLOGY OF CAMERON CHASE CENTER

Cameron Chase Center is located in a land bay of Ashburn Center comprised of the following lots (identified by PIN): 061-46-0385, 060-15-7514; 060-15-3377; 060-16, 1531; and 061-45-9365. The subject landbay is zoned PD-IP, Planned Development-Industrial Park.

- 1967 Mapped to IR, Industrial-Restricted.
- 06/21/72 Countywide remapping adopted with new Zoning Ordinance. Parcel mapped to PD-IP.
- 02/20/90 *SPEX-1988-0046* approved district with conditions for Flex-Warehouse on 306 acres in the PD-IP zoning. (This special exception was approved contemporaneously with *ZMAP-1988-0027* which rezoned 234.7 acres from R-2 and PD-IP to PD-H24.) Accepted: July 5, 1988.
- 06/16/93 Countywide remapping adopted with new Zoning Ordinance. 1972 Zoning Ordinance repealed (except as noted in Section 1-103).
- 07/02/97 *SPEX-1997-0005* approved with conditions for an "outdoor recreation establishment" (Ashburn Ice House). Accepted: February 11, 1997.
- 03/20/98 *STPL-1997-0055* conditionally approved for the ice house and restaurant. Accepted: October 15, 1997.
- 08/14/98 *Det#1998-145.vt* "zoning verification" issued to Shaw, Pittman. Request received July 21, 1998.
- 09/30/98 *SPAM-1998-0050* approved for minor changes to *STPL-1997-0055*. Accepted September 18, 1998.
- 04/19-00 *Det#1999-298.ma* determination letter issued to Shaw, Pittman stating that the owner of the Ashburn Ice House must sign a special exception application if the potential users are using the same access on Smith Switch Road. Request received 11/30/99.
- 11/19/01 *SPEX-2001-0044* submitted for a variety of uses, including, day care, offices, personal service, medical care facility, educational institution, automobile service station, convenience store with gas pumps and a fully automated car wash.
- 06/14/02 determination request from Reed Smith asking that the gas station use applied for in the above referenced special exception application be treated the same as another client of Reed Smith, a nearly identical facility proposed for

Dulles Town Center. The DTC gas station was determined to be a "complementary and supportive use" to PD-IP principal uses, a permitted use.

- **07/10/02 ZCOR-2002-0179** determination issued finding that a proposed gas station at Cameron Chase Center is categorized as an automobile service station, a permitted use under §4-503(L). By definition an automobile service station may include "washing and polishing" and "convenience goods".
- **09/19/02 SPEX-2001-0044** is withdrawn.
- **02/20/03 ZCOR-2003-0053** determination issued that a veterinary hospital is not a "supportive and complimentary use" in PD-IP. Request rec'd 01/28/03.
- **12/18/03 STPL-2002-0025** approved for a variety of uses including: offices, restaurants, automobile service station, motor vehicle light service establishment, etc. Accepted: 02/25/03.
- **12/23/03 ZCOR-2003-0413** zoning verification letter issued to Motive Enterprises, LLC. Request rec'd: 11/21/03.
- **04/13/04 ZMOD-2003-0001** Cameron Chase Center comprehensive sign plan approved. Accepted: 02/25/03.
- **02/28/05 ZCOR-2005-0028** zoning verification letter issued to Westpac Realty Fund XIV LC. Request rec'd: 01/31/05.
- **03/15/05 STPL-2004-0060** approved to amend STPL-2005-0025 with regard to landscaping and storm water management. Accepted: 07/15/04.
- **04/15/05 ZCOR-2005-0062** determination issued finding that a proposed drive-through pharmacy is not a "supportive and complimentary" use in PD-IP. Request rec'd: 03/05/05.
- **04/21/05 ZCOR-2005-0091** zoning verification letter issued to The Planning and Zoning Research Corporation with regard to the Shell Station at Cameron Chase Center. Request rec'd: 04/04/05.
- **05/16/06 ZCOR-2006-0133/WAIV-2006-0061** Reduction in type 2 rear yard buffer granted to Cameron Chase Village Center Partners. Request rec'd: 04/17/06.
- **05/16/06 ZCOR-2006-0138/WAIV-2006-0062** Reduction in required buffer yards granted to Cameron Chase Village Center Partners. Request rec'd 04/17/06.
- **09/25/06 ZCOR-2006-0244** zoning verification letter issued to Cameron Chase Village Center Partners. Request rec'd: 08/31/06.

- **03/07/07 ZCOR-2007-0034** zoning determination that an Indian Grocery Store is a food store. A definition was provided for "convenience food store", a special exception use with a referral to the Planning Department. Request rec'd: 02/02/07.
- **07/13/07 ZCOR-2007-0202** zoning determination finding that if the property owner of the service station were to be rezoned to the PD-CC-CC zoning district, it would fall under the provisions of Section 1-103(F)(2) of the zoning ordinance. This section provides that if any lawfully existing use becomes a special exception use it shall be deemed to have been granted special exception approval. Request rec'd: 05/31/07.
- **06/25/07 ZMOD-2007-0004** accepted for processing. "Cameron Chase Village Center Comprehensive Sign Plan."

Application acronyms:

ZMAP = rezoning/remapping application
 SPEX = special exception application
 STPL = site plan application
 Det# = zoning determination
 ZCOR = zoning determination/correspondence
 SPAM = site plan amendment
 STPR = site plan revision
 ZMOD = zoning ordinance provision modification

Relevant PD-IP zoning district regulations:

4-503 Permitted Uses. The following uses shall be permitted in any PD-IP district, subject to the requirements and limitations of these regulations.

- (M) Uses which are supportive and complementary to (which serve the users of) existing permitted and principal uses within a specific industrial park, such as, but not limited to restaurants excluding drive-throughs, business service establishments, personal service establishments, health and fitness centers, and automobile service stations, not to exceed a total of five percent (5%) of the total allowable floor area of the industrial park shown on a concept development plan.

Amount of PD-IP shown on Ashburn Center Concept Development Plan: 306 acres.
 Square footage of otherwise special exception uses that can be built under Section 4-503(M) by right: 211,353. Amount of square feet currently permitted: approximately 50,000 square feet.

Definitions from Article 8

Automobile Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail as a principal use and where, in addition, the following services may be rendered and sales made, and no other.

- a. Sale and servicing of spark plugs, batteries, and distributor parts.
- b. Tire sales, servicing and repair, but not recapping or regrooving.
- c. Replacement or adjustment of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like.
- d. Radiator cleaning and flushing, provision of water, anti-freeze and the like.
- e. Washing and polishing, and sale of automotive washing and polishing materials.
- f. Greasing and lubrication.
- g. Providing and repairing fuel pumps, oil pumps and lines.
- h. Servicing and repair of carburetors.
- i. Emergency wiring repairs.
- j. Adjusting and repairing brakes.
- k. Minor motor adjustments not involving removal of the head or crankcase or racing the motor.
- l. **Provision of hot and cold drinks, packaged foods, tobacco, and similar convenience goods for gasoline supply station customers, but only as accessory and incidental to principal operation.**
- m. Provision of road maps and other information material to customers; provision of restroom facilities.
- n. Performing State vehicle inspections.
- o. **Car wash**

Uses permissible at an automobile service station do not include major mechanical and body work, straightening of frames of body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, or any activity involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automobile service stations.

Shopping Center: Any group of two (2) or more commercial uses which:

- a. Are designed as a single commercial group, whether or not located on the same lot,
- b. Are under common ownership or management,
- c. Are connected by party walls, partitions, canopies, or other structural members to form one continuous structure or, if located in separate

buildings, are interconnected by walkways and accessways designed to facilitate customer interchange between the uses,

- d. Share a common parking area, and
- e. Otherwise present the appearance of one (1) continuous commercial area.

CAMERON CHASE VILLAGE CENTER
Zoning Map Amendment
Special Exception
- Statement of Justification -
December 17, 2007
July 1, 2008

PD-CC(CC) Permitted Uses Proposed Uses (proposed uses which are already permitted as PD-IP uses are highlighted)	PD-IP Permitted Uses Existing Uses (uses that would be eliminated as permitted uses with the proposed PD-CC(CC) zoning are underlined)
<u>Adult Day Care Center</u>	Adult Day Care Center
<u>Bank or financial institution (performance standards in 5-659)</u>	Agriculture, horticulture, forestry or fishery
Child Care Center (performance standards 5-609)	Commuter parking lot
Convenience food store without gas pumps	<u>Distribution facility</u>
Personal service establishment	Facility for scheduled lessons such as: dance, gymnastics, judo and sports training
Pharmacy (performance standards 5-659)	<u>Flex industrial uses (performance standards in 5-608)</u>
<u>Recycling drop off center (small, performance standards 5-607)</u>	Office (<u>only up to 20% permitted in PD-CC(CC)</u>)
Restaurant	<u>Manufacture/processing/assembly of various products</u>
Community Center	<u>Post office</u>
Office, not to exceed 20%	Radio and television recording studio
<u>Agriculture, horticulture, forestry or fishery</u>	Recycling drop off center (small, performance standards 5-607)
Art gallery	<u>Research, experimental testing or development activities</u>
<u>Business service establishment</u>	<u>Wholesale trade establishments</u>
<u>Commuter parking lot</u>	<u>Complementary and supportive uses not to</u>

CAMERON CHASE VILLAGE CENTER
Zoning Map Amendment
Special Exception
- Statement of Justification -
December 17, 2007
July 1, 2008

	<u>exceed 5% of allowable FAR (restaurants, business service establishments, personal service establishments, health and fitness centers, automobile service stations)</u>
Facility for scheduled lessons such as dance, gymnastics, judo and sports training	<u>Bakery, commercial</u>
Food store	Bank or financial institution (performance standards in 5-659)
Health and fitness center	<u>Dwelling, accessory to permitted or special exception use</u>
Home service establishment	Printing service
Medical care facility, outpatient only	<u>Warehousing facility</u>
Park	<u>Auction house</u>
Post office, drop off and pick up only	Business service establishment
Restaurant, carry out only	Health and fitness center
Retail sales establishment	Park
Studio space – artist, crafts person, writer, etc	<u>Postal service</u>
Utility substation, dedicated	Carry out restaurant
Water pumping station	Water pumping station
Printing service	Utility substation, dedicated
Sewer pumping station	<u>Conference / training center</u>
Telecommunications antenna (performance standards 5-618-A)	Sewer pumping station
Training facility (accessory to permitted or special exception use)	<u>Utility substation, distribution (performance standards 5-616)</u>

CAMERON CHASE VILLAGE CENTER
Zoning Map Amendment
Special Exception
- Statement of Justification -
December 17, 2007
July 1, 2008

Interactive Science and Technology Center	<u>Church, synagogue, temple or mosque</u>
Theater, indoor	<u>Motor vehicle service and repair, light</u>
Bowling alley	Telecommunications antenna (performance standards 5-618-A)
Library	<u>Telecommunications monopole (performance standards 5-618-B-1)</u>
Recreation establishment, indoor	<u>Funeral home (performance standards 5-658)</u>
Restaruant, dinner theatre	Traning facility
Private club or lodge	Interactive Science and Techology Center
Public utility service center, without outdoor storage	<u>Outdoor storage (up to 10% of gross floor area of principal use</u>
Radio and television recording studio	<u>Contractor service establishment</u>
	Recreation establishment, <u>outdoor</u> or indoor

CAMERON CHASE VILLAGE CENTER

ZMAP 2007-0011 and SPEX 2007-0057

RESPONSE TO COUNTY PROFFER AND CONDITION OF APPROVAL REFERRAL COMMENTS

November 6, 2008

LOUDOUN COUNTY DEPARTMENT OF ZONING

(October 15, 2008)

Comment 1: Proffer II – Public Water and Sanitary Sewer. As public water and sanitary sewer already serves this property, the proffer is unnecessary and should be removed from the Proffer Statement.

Response: Acknowledged. The Proffer Statement has been revised accordingly.

Comment 2: Proffer IV and Section 4-206(F) - Pedestrian Circulation. Regarding the extension of the pedestrian connection, the pedestrian connection should be constructed or bonded for construction within 90 days of approval of the site plan.

Response: The Proffer Statement has been revised to provide that the pedestrian connection shall be constructed or bonded for construction within 90 days of approval of the site plan.

Comment 3: Proffer V – Lot 4 Landscaping. As the applicant is requesting to reduce the rear 100' required yard adjacent to residential districts from 100' to 60', the preservation of the northern boundary is essential. An attachment illustrating the existing buffer treatment including all plantings, fences and or berms should be included with this proffer statement. Proffer V should be revised to reference preservation of the entire northern boundary not just along the undeveloped Lot 4. In addition, for the Ashburn Ice House property, SPEX-1997-0005 Condition of Approval #2 requires landscaping an/or berming to accomplish an equivalent opacity of a six foot fence between the use and the houses in Cameron Chase in addition to the required Type II Buffer. Provided evidence this condition has been met. A condition of approval for this special exception should be included regarding the management and maintenance of the rear buffer yard.

Response: The requested modification to reduce the required yard adjacent to residential districts is made to accommodate existing improvements that have already been constructed and will not result in any greater visual impact upon the adjacent area than the existing condition. The Proffer Statement has been revised to provide for

preservation of the existing landscaping along the entire northern boundary and not just Lot 4.

The owner of the Ashburn Ice House installed a berm and landscaping to accomplish an equivalent opacity of a six foot fence between the use and the houses in Cameron Chase in addition to the required Type II Buffer, in satisfaction of Condition of Approval # 2 of SPEX 1997-0005, at the time that the Ice House property was developed. The approved landscaping and buffering improvements were inspected by the County prior to final permitting for the site, and no landscaping has been removed since that time. The Applicant and the owner of the Ice House property are unaware of any deficiency in the buffer, and ask staff to identify any such deficiency that may exist so that it may be addressed. No additional condition of approval is necessary as Section 5-1410 of the Zoning Ordinance already mandates maintenance and repair of required landscaping and buffering.

Comment 4: Exhibit B – The zoning modification request for Section 4-205(C)(2) needs to be clarified. The applicant indicates on Exhibit B the request is to reduce the yard adjacent to residential districts from 100’ to 60’. Sheet 4 of the ZMAP plat shows the request to reduce the yard from 100’ to 59’ to accommodate existing parking and drive isles. Additionally, the modifications shown on Exhibit B should be reflected within the zoning modification table shown on Sheet 4 of the ZMAP plat.

Response: Exhibit B has been revised to match Sheet 4 of the ZMAP plan set. The modifications shown on Exhibit B are reflected within the zoning modification table shown on Sheet 4 of the plan set.

Comment 5: Condition #1 requires a pedestrian trail to be established when and if the trail is constructed by Cameron Chase residential property to the north. As the trail has not been constructed by Cameron Chase, this condition should be carried over to this special exception.

Response: Acknowledged.

Comment 6: Condition #4 concerns the construction of a left turn lane into the site entrance utilizing the existing concrete median. A left turn lane into the property exists on Smith Switch Road. Zoning staff defers to the Virginia Department of Transportation as to whether the turn lane is acceptable to VDOT as stated in this condition.

Response: The turn lane was accepted by VDOT approximately ten years ago and related bonds released.

Comment 7: Condition #6 states the applicant shall contribute \$18,000 towards the signalization of the intersection of Rt. 607 and Rt. 640. As a light is located at this intersection, the applicant will need to provide documentation to show the \$18,000 contribution was made.

Response: The owner of the Ashburn Ice House made the \$18,000 contribution in satisfaction of Condition # 6 quite some time ago, but in researching the matter for purposes of responding to this comment discovered that the check sent to the County was never cashed. The Ice House owner will therefore deliver another check for \$18,000 to the County.

**Cameron Chase Village Center
(ZMAP 2007-0011)**

PROFFER STATEMENT

July 1, 2008

August 22, 2008

November 6, 2008

Cameron Chase Village Center

(ZMAP 2007-0011)

PROFFER STATEMENT

~ TABLE OF CONTENTS ~

	<i>Page</i>
PREAMBLE	1
I. CONCEPT PLAN	2
Substantial Conformity.	2
II. PUBLIC WATER AND SANITARY SEWER	2
III. TRANSPORTATION	2
IV<u>III</u>. PEDESTRIAN CIRCULATION	2
V. LOT 4<u>IV</u>. <u>NORTHERN BOUNDARY</u> LANDSCAPING	2
VI<u>V</u>. BINDING EFFECTS	2

Exhibits

- Exhibit A:** Zoning Map Amendment Cameron Chase Village Center, prepared by Bohler Engineering, dated December 7, 2007, as revised through June 2, 2008.
- Exhibit B:** Design Modifications for the Cameron Chase Village Center, dated June 2, 2008.

Cameron Chase Village Center

(ZMAP 2007-0011)

PROFFER STATEMENT

July 1, 2008

August 22, 2008

November 6, 2008

PREAMBLE

Pursuant to the Section 15.2-2303 of the Code of Virginia, 1950, as amended, and Section 6-1209 of the Revised 1993 Loudoun County Zoning Ordinance, as amended, CC-Loudoun Holdings, LLC, owner of MCPI # 060-15-6750, Commonwealth Recreation Partners, LLC, owner of MCPI # 060-16-1531, Cameron Chase Village Center Partners, LLC, owner of MCPI # 061-45-9365 and 060-15-3377, and Navy Federal Credit Union, owner of MCPI # 061-46-0385, (collectively the "Owner") owners of the above-described land amounting to approximately 15.07 acres of real property (the "Property") which is the subject of rezoning application ZMAP 2007-0011, hereby voluntarily proffer that development of the Property shall be in substantial conformity with the proffers as set forth below (the "Proffers") and with the Sheet 3 of the Zoning Map Amendment Cameron Chase Village Center, prepared by the Bohler Engineering, dated December 7, 2007, as revised through June 2, 2008. (Exhibit A) (the "Concept Development Plan"), and the Design Modifications for the Cameron Chase Village Center, dated June 2, 2008, 2008 and revised through November 6, 2008 (Exhibit B), which are attached and incorporated herein by reference. All Proffers made herein are contingent upon the approval by the Board of Supervisors of Loudoun County (the "Board") of the change in the zoning district requested in rezoning application ZMAP 2007-0011 from the PD-IP zoning district to the PD-CC-CC zoning district, as modified.

I. CONCEPT PLAN

Substantial Conformity. The Property shall be developed in substantial conformity with Sheet 3 of the Zoning Map Amendment Cameron Chase Village Center, prepared by Bohler Engineering, dated December 7, 2007, as revised through June 2, 2008. (Exhibit A) (the "Concept Development Plan"), and the Design Modifications for the Cameron Chase Village Center, dated June 2, 2008, 2008 and revised through November 6, 2008 (Exhibit B), which are attached and incorporated herein by reference.

II. PUBLIC WATER AND SANITARY SEWER

~~_____The Property is and shall be served with public water and sewer facilities, which shall be provided to the Property by the Owner at no cost to Loudoun County (the "County") or to Loudoun Water.~~ **III. TRANSPORTATION**

The owner of MCPI 060-15-6750 shall within 60 days of approval of ZMAP 2007-0011 contribute to the County, or its designee, Fifteen Thousand and 00/100 Dollars (\$15,000.00) to be used for the design and/or construction by others of an additional westbound lane of Farmwell Road across the frontage of the Property.

~~IV~~III. PEDESTRIAN CIRCULATION

The owner of MCPI 060-15-6750 shall within 60 days of approval of ZMAP 2007-0011 submit a site plan for approval to construct a pedestrian connection linking the shopping center with the roads serving the adjacent residential community as depicted on the Concept Development Plan. The owner of MCPI 060-15-6750 shall construct or bond such pedestrian connection for construction within 90 days of approval by Loudoun County of the site plan.

~~V.~~ LOT 4IV. NORTHERN BOUNDARY LANDSCAPING

The owner of MCPI 060-15-3377 shall preserve the overall amount of landscaping present along the entire northern boundary of ~~that parcel~~ the Property as of the date of approval of ZMAP 2007-0011, provided that the vegetation that makes up the landscaping may be moved, rearranged, and/or removed and replaced to permit future development of ~~the parcel~~ Lot 4 (MCPI 060-15-3377).

~~VI~~IV. BINDING EFFECTS

The Owner warrants that it owns all interests in the Property; that it has full authority to bind the Property to these conditions; that no signature from any third party is necessary for these Proffers to be binding and enforceable in accordance with their terms; that the undersigned are fully authorized to sign these Proffers on behalf of each of the respective landowners; and that these Proffers are entered into voluntarily.

OWNERS:

CC-LOUDOUN HOLDINGS, LLC,
a Delaware limited liability company

By: CAMERON CHASE HOLDINGS, LLC,
a Delaware limited liability company
Its: Sole Member

By: _____
Name: Gary D. Rappaport
Title: Manager

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____, to-wit:

Before the undersigned, a Notary Public in and for the aforementioned jurisdiction, personally appeared Gary D. Rappaport, as Manager of CAMERON CHASE HOLDINGS, LLC, a Virginia limited liability company, who acknowledged that he executed the foregoing Proffers with the full power and authority to do so.

IN WITNESS WHEREOF, I have affixed my hand and seal this _____ day of _____, 2008.

Notary Public

My Commission Expires: _____

**COMMONWEALTH RECREATION PARTNERS,
LLC,**
a Virginia limited liability company

By: _____
Name: Brian J. Cullen
Title: _____

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____, to-wit:

Before the undersigned, a Notary Public in and for the aforementioned jurisdiction, personally appeared BRIAN J. CULLEN, as _____ of COMMONWEALTH RECREATION PARTNERS, LLC, a Virginia limited liability company, who acknowledged that she executed the foregoing Proffers with the full power and authority to do so.

IN WITNESS WHEREOF, I have affixed my hand and seal this _____ day of _____, 2008.

Notary Public

My Commission Expires: _____

**CAMERON CHASE VILLAGE CENTER
PARTNERS, LLC,**

a Colorado limited liability company authorized
to conduct business in the Commonwealth of Virginia

By: _____
Name: Mark E. DeRose
Title: Manager

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____, to-wit:

Before the undersigned, a Notary Public in and for the aforementioned jurisdiction, personally appeared _____, as _____ of CAMERON CHASE VILLAGE CENTER PARTNERS, LLC, a Colorado limited liability company authorized to conduct business in the Commonwealth of Virginia, who acknowledged that he executed the foregoing Proffers with the full power and authority to do so.

IN WITNESS WHEREOF, I have affixed my hand and seal this _____ day of _____, 2008.

Notary Public

My Commission Expires: _____

NAVY FEDERAL CREDIT UNION

a _____ company

By: _____
Name: _____
Title: _____

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____, to-wit:

Before the undersigned, a Notary Public in and for the aforementioned jurisdiction, personally appeared _____, as _____ of NAVY FEDERAL CREDIT UNION, a _____ company, who acknowledged that he executed the foregoing Proffers with the full power and authority to do so.

IN WITNESS WHEREOF, I have affixed my hand and seal this _____ day of _____, 2008.

Notary Public

My Commission Expires: _____

EXHIBIT B

**DESIGN MODIFICATIONS
FOR
CAMERON CHASE VILLAGE CENTER**

June 2, 2008
November 6, 2008

ZONING MODIFICATIONS

Section 6-1504 of the Revised 1993 Zoning Ordinance permits modifications to the zoning and subdivision requirements if the Board finds that such *"modifications will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation."* As part of this rezoning request, the following modifications are incorporated for the Property.

ZO § 4-205(C)(1)(b)	To reduce the required yard between existing parking and Smith Switch Road from 35 feet to 20 feet, and to permit existing parking between the existing buildings on the Property and streets which may be visible from a road.
ZO § 4-205(C)(2)	To reduce the required yard between the adjacent residential area and buildings and existing parking on the Property from 100 feet to 60 <u>59</u> feet, and to permit existing drive aisles, parking, loading, outdoor storage areas, or areas for collection of refuse that may be visible from the adjacent residential area.
ZO § 4-205(C)(3)	To eliminate the required yard between buildings, parking, outdoor storage and loading areas on the Property and other non-residential districts.
ZO §5-900(A)(10)	To reduce the required setback between existing drive aisles and parking and Farmwell Road from 35 feet to 20 feet.

Document comparison by Workshare Professional on Friday, November 07, 2008
10:09:49 AM

Input:	
Document 1 ID	interwovenSite://DIGITALFILE/US_ACTIVE/59063432/4
Description	#59063432v4<US_ACTIVE> - Cameron Chase Proffers
Document 2 ID	interwovenSite://DIGITALFILE/US_ACTIVE/59063432/5
Description	#59063432v5<US_ACTIVE> - Cameron Chase Proffers
Rendering set	ReedSmith Standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	21
Deletions	19
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	40